REMARKS

Applicants have carefully considered the January 5, 2006 Office Action regarding the above-identified application. Claim 1 is amended above to distinguish over art. Claim 4 is amended to overcome an indefiniteness rejection thereof, and claim 8 is amended for clarity. Care has been taken to avoid introduction of new matter; and it is believed that support for the amended claim language should be readily apparent in the original specification and claims. The amendments above together with the remarks that follow are submitted in a bona fide effort to address all issues raised in that Action. Prompt favorable reconsideration of this amended application is requested.

Definiteness of Claim 4

The Office Action included a rejection of claim 4 under the second paragraph of 35 U.S.C. § 112 as indefinite. The rejection was based on an allegation that the phrase "cannot be distinguished" is a term of degree, and there is recitation of what degree of sameness makes the pseudo user-designated information indistinguishable from the actual user-designated information.

The definition of the pseudo user-designated information in claim 4 has been amended. The "cannot be distinguished" phrase has been deleted. The claim now recites that "the pseudo user-designated information comprises at lease some content to be regarded as user-designated information and at least some content that is at least different from the user-designated information." The revised definition in claim 4 finds support in the disclosure of "a method of cutting out log information transmitted in the past every predetermined periods at random and connecting them to thereby generate pseudo user-designated information," which is described in Lines 19-23 of Page 28 of the original application. It is submitted that the revised claim

language is quite clear and concise and that the new claim language is fully supported by the original written description. Entry of the amendment to claim 4 and prompt withdrawal of the indefiniteness rejection are respectfully requested.

The Art Rejections

Claims 1-3 and 5-18 stand rejected under 35 U.S.C. §102(b) as anticipated by EP Publication No. 1032207 to Nadine.

Claim 4 stands rejected under 35 U.S.C. §103 as unpatentable over the Nadine document in view of U.S. Patent No. 6,754,904 to Cooper et al. (hereinafter Cooper).

These rejections are traversed.

Patentability

As discussed in more detail below, it is believed that the claims clearly define subject matter that is novel over Nadine and is patentable over the combination of Nadine and Cooper.

(1)   Independent claim 1

Claim 1 has been amended to more clearly distinguish over the applied art. The apparatus recited in claim 1 includes an acquiring means for acquiring sequential user-designated information at a constant period or cycle, the acquired sequential information including information regarding selections made by a user; accuracy setting means allowing a user to input setting information including a ratio of disclosure of the acquired sequential information to an external device; and information notifying means controlled according to the accuracy setting information. Of particular note for purposes of distinguishing over Nadine, the notifying means

obtains the log information for notifying the external device, by restricting acquired sequential information according to the **ratio of disclosure**.

The object of the user-designated information accuracy setting (specifying a ratio of disclosure of user-designated information to be provided as log information) is different from Nadine. Nadine's technique is aimed at reduction of the size of log information to be stored (paragraph [0039]). One purpose of the accuracy setting in claim 1 is to provide flexible setting of a ratio of disclosure (e.g. specifying an arbitrary ratio of disclosure within a range from, for example, 0% to 100%). Applicants' specification states that in the past "[t]he degree of freedom related to the form of provision of the log information was low. The prior art cannot realize setting such as the provision of 40% of user-designated information as log information, etc." (see Lines 6-10 of Page 2 of the original specification of this application). Another purpose of the accuracy setting in claim 1 is to provide privacy protection against the disclosure of log information by flexibly setting a ratio of disclosure. Applicants' specification states that "there is a tendency that a limitation is imposed on a user who provides the log information from the view point of protection" (see Lines 21-24 of Page 2 of the original specification of this application).

In view of the difference of the above-described purposes, the apparatus of claim 1 is different from that of Nadine. The apparatus of claim 1 is configured to include user-designated information notifying means, which restricts acquired sequential information used in the log according to the **ratio of disclosure**. For example, Fig. 2 shows user-designated information notifying means 203 that controls a ratio of disclosure of the user-designated information to be provided as the log information on the basis of a disclosure period. In describing Fig. 3, the specification (starting on Line 2 of page 12) states:

... The user-designated information accuracy setting means 205 notifies an accuracy setting 207 set by a user to the user-designated information notification control means as accuracy setting information 211. An example shown in FIG. 3 has shown where the user operates such a setting screen as shown in FIG. 12 by way of example to thereby set accuracy information to 40%. In response to it, the user-designated information notification control means 240 generates notice control information 210 in which the ratio between periods of "H" and "L" designated at numeral 210 shown in FIG. 3 is given as 40:60. While the period or cycle of this signal is not limited to it, the period thereof will be defined as a cycle of one hour, for example. When the notice control information 210 is "H", the user-designated information notifying means 203 outputs user-designated information 209 as log information 213. When the notice control information 210 is "L", the user-designated information notifying means 203 outputs "L" (indicative of the absence of information) as log information 213. The log information 213 is notified to the log accumulation controller 103 through the log storing and transmitting means 212 as log information 116. The log information outputted from the log storing and transmitting means 212 is designated at numeral 116 in FIG. 3. It is understood that as to 40% of the entire log information, which is specified by the user's accuracy setting, log information obtained from user-designated information with an actual user operation as a base is transmitted, whereas as to the remaining 60%, user-designated information is masked so that no log information is transmitted. Thus, the log information 116 includes user-designated information corresponding to a desired log accuracy set by a user.

As shown by the quotation of the description of an example from the specification, the apparatus restricts information for inclusion in the log based on a user specified ratio, 40:60 in the particular example. Nadine discloses a selection process of disclosure items based on information type. If information is of a type ("select information items" as described in Line 9 of Column 5) selected by the user for inclusion in the log, Nadine's device stores the particular information. If the information is not of one of the types identified for inclusion in the log, Nadine's device apparently discards (does not store) that particular information. Attention is directed to paragraph 0039, in lines 5-18 of column 5 of Nadine. It is respectfully submitted that parsing of information items based on type, does not satisfy the claim requirements for specifying accuracy setting information including a ratio of disclosure and restricting acquired sequential information according to the **ratio of disclosure**.

Hence, Nadine does not satisfy all requirements of independent claim 1. The anticipation rejection of claim 1 therefore should be withdrawn. It is respectfully submitted that for at least the reasons outlined above, claim 1 and the claims that depend from it are novel over the Nadine document.

Cooper was applied as an alleged teaching of pseudo information generating means, not setting of a disclosure ratio or restricting log information based on a disclosure ratio. Since Nadine does not meet all of the requirements of parent claim 1, and Cooper is not cited for the missing requirements, the combination of Nadine and Cooper does not render claim 1 obvious. It is respectfully submitted that claim 1 and the claims that depend from it are patentable over the Nadine and Cooper documents.

(2)   Additional Patentability of claim 2

Claim 2 adds that the log information is transmitted to the external device together with log accuracy information generated based on the accuracy setting information. The transmitted log information is that obtained by restricting acquired sequential information used in the log according to the **ratio of disclosure** (last paragraph of parent claim 1). The transmitted accuracy setting information is setting information that includes the **ratio of disclosure** (third paragraph of parent claim 1).

In Nadine, the accuracy is set by selecting items of the user-designated information to be recorded. Contrary to allegations in the Action, transmitting just the items selected and obtained (log information) does not provide both a transmission of the log information **AND** accuracy setting information. In the Nadine apparatus, it is required to know all the items of the user-designated information in advance, on the reception side where log accuracy information is determined. However, in claim 2, the accuracy setting information that includes the **ratio of**

15

disclosure is sent with the log information that has been obtained by restricting acquired sequential information used in the log according to the **ratio of disclosure**. It is respectfully submitted that only sending selected information types as in Nadine (or as in the proposed combination of Nadine and Cooper) would not satisfy the express claim requirements on these points.

Hence, claim 2 and the claims that further depend from 2 should be novel over Nadine and patentable over the combination of Nadine and Cooper.

(3) Additional Patentability of claim 4

Claim 4 depends from independent claim 1 and should be patentable for at least the reasons outlined above with regard to that independent claim. Claim 4 specifies an additional patentable distinction. This claim adds a pseudo information generating means and requires that a part of the acquired sequential information from the user-designated information acquiring means is replaced with the pseudo user-designated information according to the accuracy setting information to form the log information. For clarity, the claim now recites that "the pseudo user-designated information comprises at least some content to be regarded as user-designated information and at least some content that is different from the user-designated information."

Cooper was applied as an alleged teaching of pseudo information generating means. Applicants submit, however, that Cooper does not have pseudo information generating means of the type claimed. Cooper actually discloses an enhanced buddy list, which adds information about the respective TV show that each person that is listed as being on-line may currently be viewing. The rejection cites Fig. 11, elements 1110, 1108, as an alleged teaching to substitute a "private" label, as a replacement for the correct TV show information. A replacement of a program label with a different label does not teach substituting pseudo user-designated

16

information of the same format as the user-designated information. Furthermore, Cooper's replacement of a program label with a different label does not teach use of pseudo user-designated information that <u>comprises at least some content to be regarded as user-designated information and at least some content that is different from the user-designated information</u>, as in claim 4.

Further, claim 4 requires that a part of the acquired sequential information from the user-designated information acquiring means is replaced with the pseudo user-designated information according to the accuracy setting information to form the ratio of disclosure. There is no suggestion in Nadine or Cooper that a part of the user designated information is replaced with pseudo user-designated information developed on the basis of <u>the ratio of disclosure</u>.

As disclosed in Applicants' specification, the pseudo information generating means produces pseudo user-designated information, which is difficult to distinguish from the user-designated information (see Line 16-23 of Page 28). The pseudo information is generated according to a ratio of disclosure. Generation of a combination of user-designated information and pseudo user-designated information according to a ratio of disclosure is not fairly suggested by Nadine and Cooper.

As noted, Nadine forms a log containing items of information selected by type, e.g. name, start time, duration etc. Cooper (Line 4-13 of Column 7) selectively displays "specific viewing channel" or "private" as channel information about a program which each buddy is viewing. Both "specific viewing channel" and "private" are displayed in a text information format. Whether the text information is user-designated information or not can be distinguished based on the text content "specific" or "private." It is respectfully submitted that substitution of "private" (Cooper) for a specific viewing channel (Nadine) is different from replacement with

the pseudo user-designated information of claim 4. There is no "ratio" of disclosure, and any replacement is not "according to a ratio of disclosure."

Accordingly, the subject matter of claim 4 is further patentable over the art, and the obviousness rejection should be withdrawn.

(4)   Patentability of claim 9

Claim 9 specifies a log accumulation control device for restricting sequential user-designated information which changes with time. The claimed device includes accumulating means and log storing means. Applicants' Fig. 1 shows a log accumulation controller at 103 including a log accumulating means 188 and a log recording device 199; and Fig. 7 provides somewhat more detail of an example of the log recording device 119. As recited in the preamble, the device restricts sequential user-designated information in accordance with accuracy setting information that specifies a ratio of disclosure of the sequential information to an external device.

Claim 9 expressly recites accumulating means for receiving and accumulating one or more of the log information and corresponding log accuracy information; and log storing means for recording an individual log information as at least two log information. Each of at least the two log information recordings are set to an accuracy based on corresponding log accuracy information. As stated in the preamble of claim 9, log accuracy information was generated based on the accuracy setting information; and the accuracy setting information specifies a ratio of disclosure of the sequential information to an external device. Hence, the claim expressly requires that the recited log storage function (of the storing means) is dependent at least in part on the ratio of disclosure.

As noted above, Nadine does not teach use of a ratio of disclosure. Nadine selects items for inclusion in a log based on the type of each item, e.g. name, time, duration, etc. Hence, the Nadine apparatus would not satisfy the requirements of claim 9, and claim 9 should be novel over Nadine. Addition of a substitution of a "private" label for a recorded name of a program (Cooper) would not make up for this deficiency of Nadine. Hence, claim 9 should be unobvious over Nadine and Cooper. Applicants therefore submit that claim 9 is patentable over the applied art.

(5)   Patentability of claim 10

Claim 10 also specifies a log accumulation control device for restricting sequential user-designated information which changes with time, which includes accumulating means and log storing means. As noted, Application Fig. 1 shows a log accumulation controller at 103 including a log accumulating means 188 and a log recording device 199; and Fig. 7 provides somewhat more detail of an example of the log recording device 119. Claim 10 expressly recites accumulating means for receiving and accumulating the log information and log accuracy information; and log storing means for recording the log accuracy information and the log information. In this claim, however, the recording generates by-accuracy log information designated based on log accuracy designation information requested from the external device to which the log is transmitted.

The anticipation rejection does not expressly address the language of claim 10, it merely concludes that the claim is met for similar reasons as stated for claims 1-8. Nadine focuses on a device at the television receiver that creates, stores and possibly sends log information. There is no reception of log information. As noted, there is no transmission of log accuracy information, so there is also no disclosure of reception of accuracy information with the log. There is

certainly no generation of by-accuracy log information. It is respectfully submitted that Nadine does not in fact disclose a device that includes means for receiving and accumulating log information and log accuracy information or means for recording the log accuracy information and the log information, wherein the recording generates <u>by-accuracy</u> log information, in the manner recited in claim 10. Hence claim 10 is novel over Nadine, and the anticipation rejection should be withdrawn. Addition of a substitution of a "private" label for a recorded name of a program (Cooper) would not make up for this deficiency of Nadine. Hence, claim 10 should be unobvious over Nadine and Cooper. Applicants therefore submit that claim 10 is patentable over the applied art.

(6)   Patentability of 'Contents Delivery' Claims

The other independent claims (11-13) each recite a content delivery control device or an overall contents delivery system. Nadine discloses only a device for monitoring or managing a television receiver. Such a receiver oriented device does not provide a disclosure of the elements for delivery of content to the television receiver. As such, there appears to be no disclosure and the anticipation rejection fails to identify any disclosure of either a content delivery control device or content delivery related elements of an overall contents delivery system. Hence, the anticipation rejection is improper and should be withdrawn.

Claim 11 relates to a contents delivery control device, such as a device 101, 1304 or 1410 shown in Applicants' drawings. This claim actually is referring to three different types of information: (1) substantial contents, (2) contents selection information, and (3) log information received from the information processing apparatus. The claimed device includes a contents recording means for storing contents information. The stored contents information (1) includes substantial contents information, that is to say the real or actual contents, as well as contents

selection information. Here, the selection information (2) is information that specifies a reproduction method based on restricted information received as (3) log information from the information processing apparatus. The restricted information received as the log information (3) is sequential user-designated information that has been restricted in accordance with accuracy setting information specifying a ratio of disclosure. Nadine simply does not disclose a contents delivery control device of the type claimed. Also, since there is no teaching of a ratio of disclosure in Nadine, Nadine also fails to disclose aspects of the claim that relate to the recited ratio of disclosure.

Each of claims 12 and 13 relates to an overall contents delivery system. Each system includes an information processing apparatus, a log accumulation control device and a contents delivery control device. Examples of such systems appear in Figs. 1, 13 and 14 of the present application. If the rejection (e.g. as applied to claim 1) equates the device of Nadine to the information processing apparatus, then there would be no disclosure of the other elements of the claim, that is to say, the log accumulation control device and the contents delivery control device. Alternatively, if the rejection (e.g. as apparently applied without comment to claims 9 and 10) equates the device of Nadine to the log accumulation control device, then there would be no disclosure of the other elements of the claim, in this case, the information processing apparatus and the contents delivery control device. In either case, at least two elements of each independent claim are missing from the disclosure of Nadine.

Also, in claim 12, the information processing apparatus restricts information in accordance with accuracy setting information specifying a ratio of disclosure to an external device. The information that is restricted in this way is sequential user-designated information including information about contents selections by the user. The information processing

apparatus supplies the user-designated information as log information together with log accuracy information generated based on the accuracy setting information, to the log accumulation control device. As noted earlier, Nadine restricts information based on the type of information item. Such an approach does not rely on a ratio of disclosure, in the manner required by claim 12. Hence, Nadine further fails to disclose functional requirements of claim 12 relating to use of a ratio of disclosure.

Claim 13 is another system claim. In this claim, the information processing apparatus includes information acquiring means, information notifying means and accuracy setting means. The acquiring means acquires sequential user-designated information, which changes over time, and the next means sends log information to an external device. The accuracy setting means enable specification of the ratio of disclosure of the acquired sequential information to the external device. The notifying means is controlled in accord with the accuracy setting information to transmit log information obtained by restricting the sequential information with the accuracy setting information, that is to say including the ratio of disclosure. The log accumulation control device includes log storing means for recording the log accuracy information and the log information, and the log accumulation control device generates and transmits by-accuracy log information designated based on required log accuracy designation information. It is respectfully submitted that Nadine does not teach use of a ratio of disclosure, as required by the claim. It is further submitted that Nadine does not suggest generating and transmitting <u>by-accuracy</u> log information designated based on required log accuracy designation information. Hence, Nadine further fails to disclose functional requirements of several means limitations of claim 13.

For the reasons outlined above Nadine does not satisfy numerous requirements of contents delivery claims 11-13, the anticipation rejection of those claims is improper, and that rejection should be withdrawn. It is believed that Cooper does not provide any relevant teachings on the points not covered in Nadine. Hence, the combination of Cooper with Nadine still would not lead one skilled in the art to the subject matter of any of claims 11-13. Those independent claims therefore should be novel and patentable over the art.

Conclusions

For the reasons set forth above, it is respectfully submitted that each of the pending claims is novel and that each of the pending claims is unobvious, over the documents applied in the latest Office Action. Also, claim 4 should now be sufficiently definite. Hence, all pending claims should be in condition for allowance. Applicants solicit a prompt favorable reconsideration of this application.

It is believed that this response addresses all issues raised in the January 5, 2006 Office Action. However, if any further issue should arise that may be addressed in an interview or by an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. §

1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of

this paper, including extension of time fees, to Deposit Account 500417 and please credit any

excess fees to such deposit account.

Respectfully submitted,

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